



SHARON KELLER
PRESIDING JUDGE

BARBARA P. HERVEY
BERT RICHARDSON
KEVIN P. YEARY
DAVID NEWELL
MARY LOU KEEL
SCOTT WALKER
MICHELLE M. SLAUGHTER
JESSE F. MCCLURE, III
JUDGES

COURT OF CRIMINAL APPEALS

P.O. BOX 12308, CAPITOL STATION
AUSTIN, TEXAS 78711

DEANA WILLIAMSON
CLERK
(512) 463-1551

SIÂN SCHILHAB
GENERAL COUNSEL
(512) 463-1600

Monday, April 12, 2021

District Clerk Dallas County
Felicia Pitre
133 N. Riverfront Blvd., LB 12
Dallas, TX 75207-4300
* Delivered Via E-Mail *

Re: Harbin, James Berkeley II
CCA No. PD-0059-20
Trial Court Case No. F-9122107-Q

COA No. 05-18-00098-CR

The Court of Criminal Appeals has this day issued the mandate in the above-referenced and styled case number. The mandate will be transmitted electronically only.

*****DISTRICT CLERK*****

MANDATE RECEIPT ACKNOWLEDGEMENT

Pursuant to Rule 51.2(a)(1) T.R.A.P, please acknowledge receipt of the mandate of the Court of Criminal Appeals in the above numbered and styled case via this [email link](#).

Sincerely,

A handwritten signature in black ink that reads 'Deana Williamson'.

Deana Williamson, Clerk

cc: 5th Court of Appeals Clerk (Delivered Via E-Mail)
Presiding Judge 204th District Court (Delivered Via E-Mail)
District Attorney Dallas County (Delivered Via E-Mail)
Lawrence B. Mitchell (Delivered Via E-Mail)
Stacey M. Soule (Delivered Via E-Mail)

**TEXAS COURT OF CRIMINAL APPEALS****Austin, Texas****M A N D A T E****TRIAL COURT NO. F-9122107-Q****COURT OF APPEALS NO. 05-18-00098-CR****THE STATE OF TEXAS,****TO THE 204TH DISTRICT COURT OF DALLAS COUNTY — GREETINGS:**

Before our **COURT OF CRIMINAL APPEALS**, on **MARCH 17, 2021**, the cause upon appeal to review, revise or reverse your Judgment between:

JAMES BERKELEY HARBIN II**VS.****THE STATE OF TEXAS****CCRA NO. PD-0059-20**

was determined; and therein our said **COURT OF CRIMINAL APPEALS** made its order in these words:

"This cause came on to be heard on the **STATE'S** Petition for Discretionary Review, and the same being inspected, it is **ORDERED, ADJUDGED AND DECREED** by the Court that the Petition for Discretionary Review be **GRANTED**.

The judgment of the Court of Appeals is **REVERSED** and the judgment of the trial court is **AFFIRMED**, in accordance with the Opinion of this Court, and that this decision be certified below for observance."

WHEREFORE, We command you to observe the order of our said **COURT OF CRIMINAL APPEALS** in this behalf and in all things to have it duly **RECOGNIZED, OBEYED AND EXECUTED**.

WITNESS, THE HONORABLE SHARON KELLER, Presiding Judge

of our said **COURT OF CRIMINAL APPEALS**, with the Seal thereof

Annexed, at the City of Austin,

on this day **Monday, April 12, 2021**.

DEANA WILLIAMSON, Clerk